

but we changed the law, and he says under section 402(b), language that I guess the gentleman from Massachusetts (Mr. FRANK) now disagrees with, that soft money can only be used to pay off soft-money expenditures.

Except that is clearly not true, if my colleagues read the language; and interestingly, neither of the letters of those who propose this language offers a single citation to a single case making the point, nor do they point to any sentence in the bill itself; but my colleagues do not have to be a lawyer. All they have to do is read the bill. It is plain language.

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Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

We have three amendments, and that is it, and I cannot predict the outcome of any of the three. But we have really two issues that are in play right now. One of them is the issue of the delay to the start of the next campaign season, November 6, and the other is soft money.

In regards to the issue of delay, we thought that after 16 months already into this, whether we can blame one side or the other, we are here now and not in July or January of last year. We are 16 months into a 24-month election cycle, and by the time this bill becomes law, if it does become law, it is 2 or 3 or 4 months from now, and then we only have 4 months.

So I was asked, and others, does it make sense to have this bill take effect now, and the answer was it really does not. And I have spoken to some Members here who say the same thing. They know it. People on my own side of the aisle know it does not make sense to have it take effect today unless we want to kill the bill.

Now, on the issue of the soft money, I have been in pain all day, because the one thing that I do not want is there to be any ambiguity for any Member about any question of this bill. And the gentleman from Arizona (Mr. SHADEGG) was the final straw. He was the final straw. I believe he believes so strongly about this, and I believe he has influence over other Members, and so the motion to recommit is going to make it clear that there cannot be any soft money used for hard money expenses.

Now, the question my side of the aisle will have to answer is are they going to vote for a motion on the other side to take care of a problem they want to take care of? And that is going to be real curious. Are my colleagues going to do it, or is it all rhetoric? We are going to solve the problem about this issue in a motion to recommit, and I hope my colleagues will support it because it will take care of the problem of the feeling of ambiguity.

In my sense there is not a problem with it, but we want to make sure there is no doubt. And the other reason we want to make sure there is no doubt is the President has expressed concern about this, and we need to make sure

there is no doubt in the mind of the President.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. Mr. Chairman, last week there was discussion as to what the effective date should be, and the gentleman from Connecticut describes his thought process. It might have been reasonable to have an effective date as early as the date of enactment, the date the President signs the bill. Maybe it would have been reasonable to have it 30 days or 60 days thereafter. The most reasonable outcome is to make it effective for the next election. But all of those alternatives would be reasonable approaches.

What is clearly unreasonable is to make this bill effective today, before the Senate acts, before the President acts. Not only is that impractical, it is clearly unconstitutional. Article 1, section 9, clause 3 tells this House not to pass an ex post facto law. Yet this bill imposes criminal penalties on acts taken tomorrow, which are legal tomorrow, but which would become retroactively illegal when the President signs this bill.

Tomorrow soft money will be used for issue ads naming candidates on the March 5 ballot in the primary in California and other early March primaries around this country. These ads were legal yesterday. They will be legal tomorrow. They will become illegal when the President signs this bill. And if they become retroactively illegal, then people can be put in jail for doing things which were legal at the time they did them. Our Founding Fathers made it clear that this Congress should never pass such a criminal statute. We have passed retroactive tax laws providing benefits, but never have we Constitutionally passed a retroactive bill imposing new criminal penalties. We cannot adopt an ex post facto bill, nor should we.

This amendment is not a good faith effort to insulate the 2002 elections from soft money. It is, instead, an act designed to kill the bill, and in doing so it violates the Constitution. Let us vote "no" on this amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. REYNOLDS) has 15 seconds remaining, the gentleman from Connecticut (Mr. SHAYS) has 30 seconds remaining, and the gentleman from Florida (Mr. DAVIS) has 1½ minutes remaining and the right to close.

Mr. REYNOLDS. Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. DAVIS).

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DAVIS) has 2 minutes remaining.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time.

There has been a steady stream of amendments today intended to kill campaign finance reform. This is the latest one, and I am sure voters will look at how Members vote on final passage to see if they really want this to take effect, those who say they want it to take effect immediately.

I want to make sure that we do not lose perspective, as my colleagues talk about everything that is wrong with this. This is a bill that creates possibilities. This is a first and necessary step to restore a sense of the possibility of self-government to workers, to families, to college students, to farmers.

When I arrived here in Washington, the first day I took the oath of office, I sat down with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) to enlist in this effort because it was apparent it is necessary to restore trust in government.

If the people of America do not have the trust in their ability to run their government, not special interests, but ordinary people, then America's gift to the world, this idea of self-government, will start to disintegrate.

Mr. REYNOLDS. Mr. Chairman, I yield myself the balance of my time.

I have listened to whether this has constitutional questions. This bill is riddled with constitutional questions. Even the sponsors have said some of it will be thrown out by the courts.

But I do know this: Without this amendment the supporters of Shays-Meehan are saying that while soft money may be bad, it is not bad enough to ban right here right now. There is a word for that, Mr. Chairman. It is hypocrisy.

I urge approval of the amendment, and I will ask for a recorded vote.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a very important amendment. It has the potential to derail the bill. We have seen through that masquerade all night. I think the House deserves a substantive debate on the merits, and we have had it, except we have not even had an attempt by the sponsor of the amendment to respond to two of the most important points made here.

We all understand when we are passing blatant unconstitutional bills. Nobody needs a law degree to recognize that. There was not even an attempt to respond to the argument by the gentleman from California (Mr. SHERMAN) that we are criminalizing behavior that is currently legal. There has been no attempt to respond to the point that it is terribly impractical for us to even be thinking about passing a bill that is supposed to take effect today when we all know rules have to be developed and